



Statement by Charles R. Cypher
in Support of Petition Under 37 CFR §1.137(b)

I, Charles R. Cypher, declare that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

This application went abandoned on May 3, 2010, when no issue fee payment was received in response to the Notice of Allowance issued February 2, 2010. This petition is being filed within one year of the abandonment date but less than three months after the mailing of the Notice of Abandonment. The Notice of Abandonment was mailed May 24, 2010.

A Notice of Allowance was issued February 2, 2010, in response to Request for Continued Examination filed on January 13, 2010. The Notice of Allowance was received by Applicant's attorney, but due to a docketing error, the issue fee was not scheduled for payment and so the deadline was missed. A review of the Patent Office's records shows that a Notice of Abandonment was mailed on May 24, 2010. Applicant's attorney never received the Notice of Abandonment. The records of the Patent Office show that the Notice of Abandonment was returned as undeliverable on June 9, 2010 (see attached paper's from the USPTO database). Applicant's attorney was not aware that this application had become abandoned until Applicant's attorney conducted a routine status check of the file on October 5, 2010, and discovered that the Issue Fee Payment Date had never been docketed. Having learned of the abandonment, Applicant's attorney preceeded to prepare and file this Petition.

I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: October 8, 2010 Signature:


Charles R. Cypher, Reg. No. 41,694

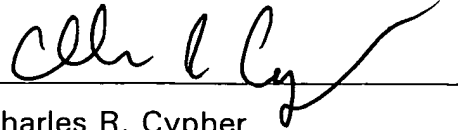
PATENT

Attorney Docket No.SST/1070

Serial Number: 09/603,727

Express Mail No. EH690858431

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles R. Cypher', written over a horizontal line.

Charles R. Cypher
Law Offices of James R. Cypher
409 13th Street
11th Floor
Oakland, CA 94612

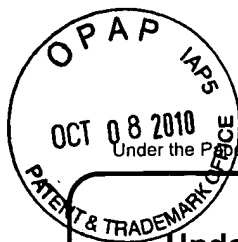
Date: October 8, 2010

Reg. No.: 41,694

Tel. No.: 510-832-4111

Fax No.: 510-832-4115

Customer No.: 498



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/603,727
Filing Date	6/23/2000
First Named Inventor	Lee W. Mueller
Art Unit	3635
Examiner Name	Wendell, Mark R.
Attorney Docket Number	SST/1070

Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-4075:
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments☐ Check in the amount of \$ _____ is enclosed.☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Charles R. Cypher

Typed or printed name

10-08-2010

Date

41,694

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT
Attorney Docket No. SST/1070
Serial Number: 09/603,727

Express Mail No. EH690858431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lee W. Mueller

Conf. No. 1985

Application No.: 09/603,727

Examiner: Wendell, Mark R.

Filed: 6/23/2000

Art Unit: 3635

For: Pre-Assembled Internal Shear
Panel

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.313(c)

Sir:

By this petition, Applicant respectfully requests that the application be withdrawn from issue for further consideration of the request for continued examination under 37 CFR § 1.114 filed herewith.

The application currently stands abandoned for failure to pay the issue fee. Concurrently herewith Applicants have filed a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), including the payment of the Issue Fee. Applicants respectfully request that the Petition for Revival be accepted along with the Issue Fee, and then that the Office withdraw the application from issue so that the Request for Continued Examination and its accompanying Information Disclosure Statement be considered.

The fee under 37 CFR § 1.17(h) is attached hereto. If the enclosed amount is incorrect, the commissioner is permitted to charge any required extension and/or deficiency or credit any overpayment to deposit account No. 03-4075 (Attorney Docket No. SST/1070). Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Please direct any calls in connection with this application to the undersigned at (510) 832-4111.

10/13/2010 CCHAU2 00000040 09603727

04 FC:1464 130.00 OP
SST-1070_Form_Petition-Withdrawal
from Issuance